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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Flores, Osvaldo A. *et al.*

Serial No.: 10/510,912

Case No.: 21080P

Art Unit: 1652

Filed: October 8, 2004

Examiner:

For: HEPATITIS C VIRUS ASSAY SYSTEMS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

Enclosed is a Supplemental Information Disclosure Statement citing references from a European search report, citing U.S. 6,630,343, and a copy of the search report dated June 30, 2005. U.S. 6,630,343 is a U.S. Patent claiming priority to DE 199 15 178.

No fees are believed due in connection with enclosed Supplemental Information Disclosure Statement. If any fees are due, please charge deposit account No. 13-2755 the appropriate amount.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Sheldon O. Heber Date 7-25-05

By Sheldon O. Heber
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Attorney for Applicants

Merck & Co., Inc.
P.O. Box 2000
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(732) 594-1958

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**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.By *Shelley Aker* Date 7-25-05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Sheldon O. Heber

Attorney _____ For Applicant(s)

Reg. No. 38,179

MERCK & CO., INC.

Patent Dept., RY60-30

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(732)594-1958

Date: July 25, 2005

STATEMENT BY APPLICANT

COMPLETE IF KNOWN

10/510,912

October 8, 2004

Flores, Osvaldo A. et al.

1652

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Attorney Docket Number

21080P

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

Bartenschlager, R. et al. "Replication of hepatitis C virus", Journal of General Virology, 2000, Vol. 81, pp. 1631-1648

Graziani, R. et al. "Dominant negative effect of wild-type NS5A on NS5A-adapted subgenomic hepatitis c virus RNA replicon", *Journal of General Virology*, 2004, Vol. 85, pp. 1867-1875

Ikeda, M. et al. "Selectable Subgenomic and Genome-Length Dicistronic RNA Derived from an Infectious Molecular Clone of the HCV-N Strain of Hepatitis C Virus Replicate Efficiently in Cultured Huh7 Cells", *Journal of Virology*, 2002, Vol. 76, pp. 2997-3006

Krieger, N. et al. "Enhancement of Hepatitis C Virus RNA Replication by Cell Culture-Adaptive Mutations", *Journal of Virology*, 2001, Vol. 75, pp. 4614-4624

Murray, E. et al. "Persistent Replication of Hepatitis C Virus Replicons Expressing the β -Lactamase Reporter in Subpopulations of Highly Permissive Huh7 Cells", *Journal of Virology*, 2003, Vol. 77, pp. 2928-2935

Zuck, P. et al. "A cell-based β -lactamase reporter gene assay for the identification of inhibitors of hepatitis C virus replication", *Analytical Biochemistry*, 2004, Vol. 334, pp. 344-355

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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